

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES M. FLINN,

Petitioner,

v.

3:08-cv-225

STATE OF TENNESSEE,

Respondent.

ORDER

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Although the State of Tennessee was named as respondent, it appears the State has never received notice of the habeas petition; instead, summons was issued and returned executed upon David S. Clark, District Attorney General for the Seventh Judicial District in Clinton, Tennessee. Accordingly, the Clerk is **DIRECTED** to serve a copy of the petition and this Order upon the Attorney General for The State of Tennessee. The Attorney General is hereby **ORDERED** to answer or otherwise respond to the petition within thirty (30) days from the date of this Order. Rule 4 of the Rules Governing Section 2254 Cases In The United States District Courts.

There are also several pending motions in this case. An evidentiary hearing has not been scheduled in this matter and petitioner's motion for appointment of counsel [Court File No. 5] is **DENIED** as premature. Petitioner filed an ex parte motion for injunctive relief, followed shortly by a motion to withdraw the ex parte motion for injunctive relief. The motion to withdraw [Court File No. 7] is **GRANTED** and the ex parte motion for injunctive relief [Court File No. 6] is **DENIED** as **MOOT**. Petitioner's motion to grant habeas relief based upon default [Court File No. 10] and his motion for default judgment [Court File No. 11] are **DENIED**. Petitioner's motion to recuse [Court File No. 12] lacks merit and is **DENIED**. Petitioner having failed to demonstrate a threat of "great and immediate" irreparable injury, his motion to enjoin state criminal proceedings [Court File No. 13] is **DENIED**. *Younger v. Harris*, 401 U.S. 37, 46 (1971).

ENTER:

s/ Thomas W. Phillips
United States District Judge